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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,712	08/07/2003	Hiraku Murayama	011350-318	1927

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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FOREMAN, JONATHAN M

ART UNIT	PAPER NUMBER
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3736

NOTIFICATION DATE	DELIVERY MODE
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04/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,712	<b>Applicant(s)</b> MURAYAMA ET AL.	
	<b>Examiner</b> JONATHAN ML FOREMAN	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10-17,19,20 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) 27-30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,17,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8,10,11,13,14,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5,12 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/18/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Invention I in the reply filed on 1/14/08 is acknowledged. The traversal is on the ground(s) that Applicant believes that all of the claims can be examined at the same time without serious burden. This is not found persuasive because a search for a guide wire having the claimed elements would not necessarily produce a guide wire disclosed as being inserted into a coronary artery.

The requirement is still deemed proper and is therefore made FINAL.

### ***Information Disclosure Statement***

The information disclosure statement filed 3/18/08 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered by the examiner as to the merits. However, U.S. Patent No. 6,109,737 is directed to a "Printer Device and the Manufacturing Method" and does not appear to correspond to JP 1328157.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3736

3. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,957,865 to Backman et al.

In regard to claim 25, Backman et al. disclose a first wire disposed on a distal side of the guide wire (Col. 6, lines 56 – 57); a second wire disposed on a proximal side of the first wire (Col. 4, line 55); the first wire and the second wire being joined to each other by welding at a welded portion (Col. 6, lines 65 – 67); the welded portion formed by the welding comprising a projection (54) projecting in an outer peripheral direction, the projection including a welded surface; and the welded surface of the welded portion being offset toward the distal side of the first wire or the proximal side of the second wire relative to a center of the projection considered with reference to an axial extent of the guide wire (Figure 3).

4. Claims 1, 3, 6 – 8, 10, 11, 13, 14 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2003/0100847 to D'Aquanni et al.

In regard to claims 1, 3, 6 – 8, 10, 11, 13, and 14, D'Aquanni et al. disclose a guide wire including first wire (14) disposed on the distal side of the guide wire; and a second wire (11) disposed on the proximal side from the guide wire, the second wire having a rigidity higher than that of the first wire; wherein the first and second wire are joined by welding [0024]; a welded portion has a projection (19) projecting the outer peripheral direction; the second wire has a first portion provided in the vicinity of the distal end to the second wire and a second portion provided on the proximal side from a first portion; the first portion has a rigidity lower than that of the second portion [0025]. The enlarged portion of the weld allows for visualization under fluoroscopy. D'Aquanni et al. discloses a cover layer disposed over at least the welded portion [0028]. A spiral coil (15) covers at least a distal end portion of the first wire. The proximal side and the distal side of the projection are formed into shapes asymmetric to each other with respect to the welded surface

Art Unit: 3736

(Figure 1). D'Aquanni et al. discloses the first wire and the second wire having a thinned portion, and the projection being provided on the thinned portion (Figure 1). Because the wires are joined by welding, material forming at least one of the first wire and the second wire constitutes a part of the projection.

In regard to claim 26, D'Aquanni et al. disclose a first wire (14) disposed on a distal side of the guide wire; a second wire (11) disposed on a proximal side of the first wire; the first wire and the second wire being joined to each other by welding at a welded portion [0024]; the welded portion formed by the welding comprising a projection (19) projecting in an outer peripheral direction, the projection including a welded surface; the projection possessing a maximum outer-diameter portion; and the welded surface of the welded portion being axially spaced from the maximum outer-diameter portion of the projection (Figure 1).

### ***Allowable Subject Matter***

5. Claims 5, 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15, 17, 19 and 20 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN ML FOREMAN whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. F./  
Examiner, Art Unit 3736

/Max Hindenburg/  
Supervisory Patent Examiner, Art Unit 3736